

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

BILLY EUGENE STARNES,)
vs.)
Petitioner,)
ERIC R. FRANKLIN, ET AL.,)
Respondents.)
NO. CIV-07-0925-HE

ORDER

Petitioner Billy Starns, a state prisoner, brings this action pursuant to 28 U.S.C. § 2254, seeking a writ of habeas corpus. Pursuant to 28 U.S.C. § 636(b)(1)(B), this matter was referred to Magistrate Judge Robert E. Bacharach, who recommended that the motion to dismiss of respondents the Director of the Oklahoma Department of Corrections, the Oklahoma County District Court, and the State of Oklahoma be granted as Eric Franklin, warden of the Oklahoma State Reformatory, is the only proper respondent.

Petitioner has failed to object to the Report and Recommendation and, therefore, has waived his right to appellate review of the factual and legal issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). *See* 28 U.S.C. § 636(b)(1); LCvR 72.1. The court has also considered the merits of the motion and substantially concurs with the Magistrate Judge's analysis.

Accordingly, the court **ADOPTS** the Report and Recommendation [Doc. # 13]. This action is **DISMISSED** as to the Director of the Oklahoma Department of Corrections, the Oklahoma County District Court, and the State of Oklahoma.

This order does not terminate the referral to Judge Bacharach.

IT IS SO ORDERED.

Dated this 13th day of December, 2007.


JOE HEATON
UNITED STATES DISTRICT JUDGE